STATE OF VERMONT

HUMAN SERVICES BOARD

In re)	Fair	Hearing	No.	T-03/10-154
)				
Appeal of)				

INTRODUCTION

The petitioner appeals a decision by the Department for Children and Families, Health Access Eligibility Unit (HAEU) denying his application for Vermont Health Access Program (VHAP) benefits. The issue is whether the petitioner qualifies for VHAP in light of his status as a full-time college student.

FINDINGS OF FACT

- 1. The petitioner is nineteen years old and is a full-time college student. He applied for VHAP on February 9, 2010. The Department "provisionally" granted the application subject to verification of the petitioner's income and status as a college student. However, on February 22, 2010, the Department sent the petitioner a notice stating that his VHAP coverage would end on March 31, 2010 because of his status as an "ineligible college student".
- 2. The petitioner does not dispute that he is enrolled as a full-time student at the University of Vermont. He

applied for the work study program at the university, and appears to be eligible for it. However, due to the university's budget problems, he has neither been accepted into the program, placed in a work study position, nor received any work study funding.

ORDER

The Department's decision is affirmed.

REASONS

Section 5316 of the VHAP regulations includes the following:

A. Applicability

To be eligible for VHAP, a student must meet the requirements of section b. below unless he/she is exempt from these requirements based on at least one of the following criteria:

- 1. 50 years old or older,
- 2. disabled,
- 3. attending high school,
- 4. participating in an on-the-job training program,
- 5. enrolled full time in a school or training program, excluding post-secondary institutions of higher education, or
- 6. enrolled less than half time in a postsecondary institution of higher education.

. . .

B. <u>Eligibility Requirements</u>

To be eligible to participate in the VHAP program, any student not exempt under section a. above shall meet at least one of the following criteria:

. . .

ii. Participates in a state-financed or federally financed work-study program during the regular school year. To qualify under this provision, a student must be approved for a work-study program at the time of application and must anticipate starting a job within two months after the date of application. A student meets this criterion until the student stops working. If a student stops working because funding for the work study runs out, the student shall continue to meet this criterion for no more than two months. . .

There is no dispute in this matter that the petitioner does not meet any of the above criteria for VHAP coverage for students. Although he has applied for the university's work study program, he does not maintain that he is "participating" or "working" in it within the meaning of the above regulation.

Inasmuch as the Department's decision in this matter is in accord with the pertinent regulations, the Board is bound by law to affirm. 3 V.S.A. § 3091(d), Fair Hearing Rule No. 1000.4D.